

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RICHARD JOSE DUPREE, JR.,	)	Case No.: 1:23-cv-0086 JLT GSA (PC)
	)	
Plaintiff,	)	ORDER ADOPTING THE FINDINGS AND
	)	RECOMMENDATIONS AND DIRECTING
v.	)	PLAINTIFF TO PAY THE FILING FEE WITHIN
	)	THIRTY DAYS
HORN, et al.,	)	
	)	(Doc. 8)
Defendants.	)	
	)	
	)	

Richard Jose Dupree, Jr. initiated this action by filing a civil rights complaint in the Central District of California. (Doc. 1.) At that time, Plaintiff did not pay the filing fee or seek to leave to proceed *in forma pauperis*. (Doc. 2.) After the action was transferred to the Eastern District Court, the matter was referred to the assigned United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Eastern District of California Local Rule 302.

The magistrate judge determined Plaintiff had at least three cases dismissed that qualify as strikes, so he is subject to the three strikes bar under 28 U.S.C. § 1915(g). (Doc. 8 at 4.) The magistrate judge also found the allegations in Plaintiff's complaint do not satisfy the "imminent danger of serious physical injury" exception to Section 1915(g), even when liberally construing Plaintiff's complaint. (*Id.* at 4-6.) Therefore, the magistrate judge issued Findings and Recommendations, recommending that Plaintiff be denied leave to proceed IFP and be directed to pay the filing fee to proceed in this action.

1 The Court served the Findings and Recommendations were on Plaintiff and notified him that  
2 any objections were to be filed within 14 days (Doc. 8 at 6) and that the “failure to file objections  
3 within the specified time may result in the waiver of rights on appeal.” (*Id.* at 7, citing *Wilkerson v.*  
4 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); citing *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th  
5 Cir. 1991).) Plaintiff has not filed objections, and the time to do so has expired.

6 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this case.  
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are  
8 supported by the record and by proper analysis. Accordingly, the Court **ORDERS**:

- 9 1. The Findings and Recommendations issued on February 23, 2023 (Doc. 9) are adopted.
- 10 2. Plaintiff is denied leave to proceed *in forma pauperis*.
- 11 3. Within 30 days from the date of service of this order, Plaintiff **SHALL** pay in full the  
12 \$402.00 filing fee if he wishes to proceed with his action.
- 13 4. Plaintiff is advised that failure to pay the required filing fee as ordered will result in the  
14 dismissal of this action without prejudice.

15  
16 IT IS SO ORDERED.

17 Dated: March 31, 2023

  
UNITED STATES DISTRICT JUDGE